EXHIBIT C

Robinson+Cole

E. EVANS WOHLFORTH, JR.

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Admitted in New York and New Jersey

January 27, 2025

VIA E-Mail

Hon. Freda L. Wolfson, U.S.D.J. (ret.) Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068

Re: Johnson & Johnson Health Care Systems, Inc. v. Save On SP, LLC, Express Scripts, Inc., and Accredo Health Group, Inc.
No. 2:22-cv-02632 (JKS) (CLW)

Dear Judge Wolfson:

On behalf of Save On SP, LLC ("<u>SaveOn</u>"), we write in reply to Johnson & Johnson Health Care Systems, Inc.'s ("<u>JJHCS</u>," and, with its affiliates, "<u>J&J</u>") opposition to SaveOn's motion to compel J&J to run one additional search term over custodian Scott White's files related to his unique role in drafting CarePath's Terms and Conditions ("<u>T&Cs</u>") from the limited time period of January 1, 2009 to April 1, 2016 (the "<u>Drafting Time Period</u>").

J&J concedes that White created CarePath and that he actively revised the T&Cs of its predecessor programs. Existing custodians and search terms do not adequately cover his relevant acts and communications on these subjects. SaveOn's request for a single additional search term

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to fill those gaps is easily proportional to the highly relevant subject of how J&J understood its May-Not-Use Provision during the Drafting Time Period.

I. White's Pre-2016 Files Likely Contain Unique, Relevant Documents

J&J's work to draft CarePath's T&Cs—and those of the predecessor programs from which it drew them—during the Drafting Time Period is relevant to the meaning of the May-Not-Use Provision at the center of J&J's claim for tortious interference with contract. Courts in this jurisdiction "must consider contractual language in the context of the circumstances at the time of drafting," *Serico v. Rothberg*, 234 N.J. 168, 178 (2018), and J&J has represented that it pulled the May-Not-Use Provision from the T&Cs of CarePath's "predecessor programs," Dkt. 192 at 10. While J&J asserts that the May-Not-Use Provision's "plain meaning" requires no discovery, Opp. at 2, Judge Waldor and Your Honor have rejected that argument, consistent with basic contract law. *See* Dkt. 95 at 44:13-23 ("in order to interpret terms, there has to be a background"); Dkt. 192 at 11 (ordering discovery from the Drafting Time Period).

White's files from the Drafting Time Period likely contain unique information concerning J&J's drafting and understanding of the May-Not-Use Provision.

J&J concedes that White created CarePath as a unified copay assistance program. Opp. at 8-9; *see also* Ex. 14 at 6 (). While J&J says that its claims are not about "the creation of CarePath," Opp. at 3; *see also id.* at 5, its tortious interference claim rests on the May-Not-Use Provision, the meaning of which turns in part on J&J's intent when it drafted that provision. J&J conceded the "relevance" of the Drafting Time Period with its admissions that its "predecessor programs were combined under the CarePath umbrella" and that documents from that time could "capture the origin of" the May-Not-Use Provision. Dkt. 146 at 25. White consolidated those prior programs—including their T&Cs—into CarePath, and his documents will thus have unique relevance to the drafting of CarePath's T&Cs. While

J&J asserts that five other custodians also worked on creating CarePath, Opp. at 8 & n.5, it admits that they were "more junior employees." Opp. at 6. J&J has produced no documents from the files of these lower-level custodians reflecting J&J's understanding of the T&Cs during that project, let alone so many that a production from White's files would be "cumulative." Opp. at 8-9. White is most likely to have such documents, as CarePath's creator. ¹

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J&J also concedes that White worked on revisions to the Coupon Guidance Document, its central T&Cs planning document for CarePath's predecessor programs. Opp. at 6-8. J&J admits that this document is relevant, Opp. at 7, and puts it directly at issue by arguing that statements there about J&J's intentions for use of its copay assistance funds should be read as its understanding of the May-Not-Use Provision at the time of drafting, *id.* at 4, 7; *see also* Dkt. 377 at 5-6. Whatever the merits of J&J's legal argument on this point, SaveOn is certainly entitled to discover the facts behind the creation and discussion of the sole document upon which J&J rests its argument regarding the May-Not-Use Provision's original meaning—including whether that provision was ever discussed by the J&J employees who created it.

J&J has no valid basis for withholding White's documents on these subjects.

J&J says that its productions from Wortman and Chapman are sufficient, Opp. at 4-5, but it does not say that these lower-level employees were responsible for creating the T&Cs or the —and J&J has produced *nothing* from their files showing when, why,

¹ SaveOn cited additional documents showing that White revised other T&Cs for CarePath's predecessor programs going back as far as 2010. *See* Exs. 4 at -034, 11 at -185, 13 at -766-67 (). While J&J calls those individual projects "irrelevant" to the May-Not-Use Provision, Opp. at 5, 6, White's active involvement with all T&Cs during the Drafting Time Period, and his position of authority on each project, increases the likelihood that his files contain unique relevant documents on the May-Not-Use Provision specifically. *See* Ex. 21 at -120 (JJHCS_00275115)

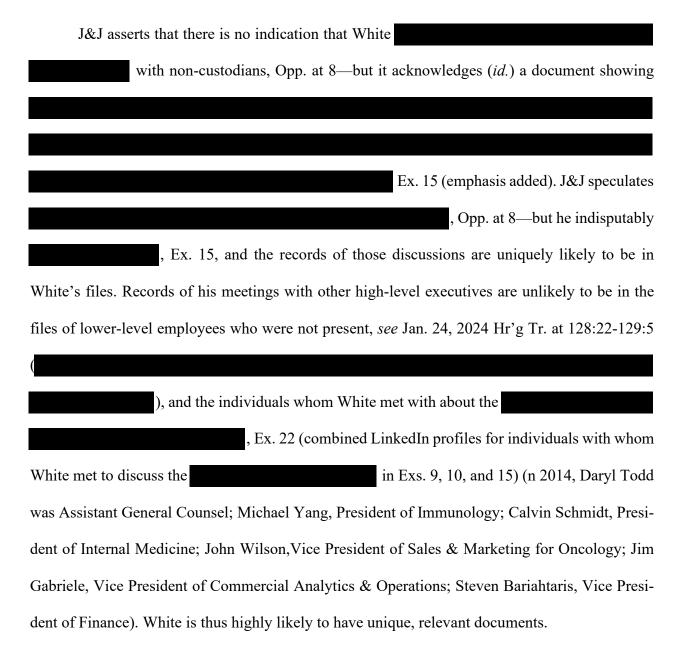
or how J&J created that document. It is much more likely that documents about the creation of the T&Cs and the would be in the files of White, who sat on Janssen's North American Leadership Team ("NALT") and attended its meetings where executive decisions about its copay assistance programs—including the intent of those programs—were made. Mot. at 4; see also June 27, 2023 Hr'g Tr. at 97:20-25 (Judge Waldor recognizing that high-level "decisions for CarePath" occurred at the NALT—later renamed JALT—level).²

² J&J raises a factual dispute of whether Wortman was specifically requested to , or whether she . Opp. at 7. The email itself is ambiguous, but the point is not—

. See Ex. 7 at -811.

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II. SaveOn's Search Term is Tailored to Identify Relevant Documents

J&J admits that it agreed to run SaveOn's proposed search term over the files of other custodians after Your Honor compelled J&J to produce additional documents about CarePath's T&Cs from the Drafting Time Period, *see* Dkt. 192 at 10-12; Dkt. 305 at 3, and the parties negotiated the precise language of the term, Opp. at 4. This term is narrowly tailored with an extremely tight proximity limiter, requiring language about T&Cs or the May-Not-Use provision within *ten*

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words of CarePath, the name of a predecessor program, or a relevant drug.³ The term is in no way "overbroad," *contra* Opp. at 3, 9.

While J&J now asserts that documents with the terms "coupon" or "discount" are presumptively irrelevant, Opp. at 9, those terms are part of the May-Not-Use provision and Your Honor ordered discovery on the whole provision, *see* Dkt. 305 at 3 (specifically suggesting "coupon" and "discount"). J&J has suggested, moreover, that a SaveOn-advised plan might qualify as a "coupon," "discount," "prescription savings card," or "free trial" under the May-Not-Use Provision. *See* Ex. 23 (Aug. 16, 2024 Ltr. from E. Snow to J. Long) (memorializing meet-and-confer at which J&J refused to say that only the "other offer" portion of the May-Not-Use Provision was in dispute). And, during the Drafting Time Period, J&J internally referred to its copay assistance programs as

Ex. 24 at -745 (JJHCS_00260744), and discussed them in the context of "coupons," as in the

SaveOn's proposed search term does not use "coupon," "discount," "free trial," or "prescription savings card" in isolation, and J&J's assertion that they will identify "false hits," Opp. at 9, is speculative. These words must *also* be within ten words of one of several *other* words like "CarePath" or the names of the drugs at issue, helping to ensure that the term picks up documents related to the issues in this case. While J&J complains that some number of documents identified by the proposed term do not mention "T&Cs" or "other offer," Opp. at 10, that hardly proves them

³ For ease of reference, that term is (CarePath OR "Savings Program" OR "Rebate Program" OR "Access Program" OR "copay assistance" OR "Instant Savings Card" OR YOU&I OR RemiStart OR AccessOne OR Darzalex OR Imbruvica OR Opsumit OR Remicade OR Simponi OR Stelara OR Sylvant OR SylvantOne OR Tracleer OR Uptravi OR Ventavis OR Zytiga OR ZytigaOne OR Invokana OR Xarelto OR Olysio OR Risperdal OR Invega) w/10 ((term* w/3 condition) OR "T&C" OR "TNC" OR "other offer" OR "coupon*" OR "discount*" OR "free trial" OR "prescription savings card*")

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irrelevant. A document that mentions "CarePath" within ten words of "coupon," for example, is likely to discuss CarePath's terms and conditions (as "coupon" is a part of the May-Not-Use Provision) or the use of coupons alongside CarePath. A document that mentions "free trial" within ten words of "Stelara" could show that J&J offered free trials of that drug to patients on CarePath. The term is appropriately tailored to White's work drafting the T&Cs, and J&J fails to show otherwise.

III. The Apex Doctrine is Inapplicable to Document Discovery

J&J calls White an "apex" custodian, Opp. at 1, 2, 3, but as a matter of well-established law the apex doctrine does not apply to document discovery, as J&J's cited authority confirms. See Assured Guar. Mun. Corp. v. UBS Real Est. Sec. Inc., 2013 WL 1195545 at *3 (S.D.N.Y. Mar. 25, 2013) (in document discovery, "no special exemptions from discovery exist for senior executives who possess relevant information."). The doctrine applies, if at all, only to depositions, to prevent adversaries from unfairly burdening high-level executives with inappropriate depositions. See LifeScan, Inc. v. Smith, 2024 WL 4912836, at *4 (D.N.J. Jan. 24, 2024) ("[D]epositions of high-level officers severely burden those officers and the entities they represent, and ... adversaries might use this severe burden to their unfair advantage." (citing U.S. ex rel. Galmines v. Novartis Pharm. Corp., 2015 WL 4973626, at *1 (E.D. Pa. Aug. 20, 2015))). This concern does not exist for document discovery. See Sandoz, Inc. v. United Therapeutics Corp., 2020 WL 13830525, at *3 (D.N.J. Nov. 16, 2020) ("[T]he 'apex doctrine,' while it may be applicable to depositions, is not a protective shield that prohibits document discovery from high-ranking executives."). In this case,

⁴ While J&J cites *Lifescan, Inc. v. Smith*, Opp. at 6 (calling it *Lifescan, Inc. v. Roche Diagnostics Corp.*), the court there declined to add a top executive as custodian because he was unlikely to have unique relevant documents, *not* because of his position, and never mentioned the apex doctrine. 2023 WL 11986899, at *4 (D.N.J. Sept. 27, 2023). J&J also cites *Lutzeier v. Citigroup, Inc.*, which declined to add some executives as custodians as there was no showing "[a]t this stage of the litigation" that they had "unique or personal knowledge of the subject matter." 2015 WL

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White faces no undue personal burden if J&J produces documents from his electronic files—it has produced documents from his files before without incident—and J&J's overall burden of collection, review, and production will be the same as for any other custodian.

Given White's active role in creating CarePath and revising the T&Cs for its predecessor programs, Your Honor should compel J&J to run this additional search term over his files.

SaveOn appreciates Your Honor's attention to this matter.

Respectfully submitted,

/s/ E. Evans Wohlforth, Jr.
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^{430196,} at *7 (E.D. Mo. Feb. 2, 2015). While *Lutzeier* cited another case, *Ingersoll v. Farmland Foods, Inc.*, that discussed the "apex deposition doctrine," it is not clear why—*Ingersoll* did not deal with document discovery but rather refused to apply the apex doctrine to a Rule 30(b)(6) deposition. 2011 WL 1131129, at *7 (W.D. Mo. Mar. 28, 2011). Neither case supports J&J's request here that the Special Master deny document discovery from White's files on the basis of his title.

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Philippe Z. Selendy (admitted *pro hac vice*) Andrew R. Dunlap (admitted *pro hac vice*) Meredith Nelson (admitted *pro hac vice*) Elizabeth H. Snow (admitted *pro hac vice*) SELENDY GAY PLLC 1290 Avenue of the Americas New York, NY 10104 (212) 390-9000

pselendy@selendygay.com adunlap@selendygay.com mnelson@selendygay.com esnow@selendygay.com

Attorneys for Defendant Save On SP, LLC

Exhibit 21 Confidential – Filed Under Seal

Exhibit 22

Document 523-4

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Daryl Todd





Daryl Todd **②** · 3rd Chief Strategy Officer at Kalderos



Kalderos



• Rutgers University School of Law - Camden

Princeton, New Jersey, United States · Contact info

500+ connections

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About

Experienced Assistant General Counsel with a demonstrated history of working in the hospital & health care industry. Skilled in Biotechnology, Intellectual Property, Oncology, Managed Care, and Pharmaceutical Industry. Strong legal professional graduated from Rutgers University School of Law - Camden.

Activity

1,608 followers

Daryl Todd commented on a post • 2mo

This is great to see --- what a wonderful cause! Congratulations to Eddie!

Daryl Todd commented on a post • 4mo

Congratulations Chris! It's great to hear and best of luck to you at AZ!

Daryl Todd commented on a post • 6mo

Best of luck Alice! I know you will bring your positivity wherever you go.

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Experience



Chief Strategy Officer (CSO)

Kalderos · Full-time

Apr 2024 - Present · 10 mos

Chicago, Illinois, United States · Hybrid

Experienced life sciences legal professional

Member of the Board of Directors, Secretary

Johnson & Johnson Foundation, Inc. \cdot Part-time Jun 2016 - May 2024 · 8 yrs

▽ Corporate Law and Healthcare Industry





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← Experience



Chief Strategy Officer (CSO)

 $\mathsf{Kalderos} \cdot \mathsf{Full\text{-}time}$

Apr 2024 - Present · 10 mos

Chicago, Illinois, United States · Hybrid

Experienced life sciences legal professional

Member of the Board of Directors, Secretary

Johnson & Johnson Foundation, Inc. \cdot Part-time

Jun 2016 - May 2024 \cdot 8 yrs

Skills: Corporate Law · Healthcare Industry

Member Board of Directors

JOHNSON & JOHNSON PATIENT ASSISTANCE FOUNDATION INC · Part-time

Apr 2012 - May 2024 \cdot 12 yrs 2 mos

New Brunswick, NJ · Hybrid

Skills: Corporate Law \cdot Fraud and Abuse \cdot Healthcare Industry

Assistant General Counsel

Johnson & Johnson · Full-time

Apr 2010 - May 2024 · 14 yrs 2 mos

New Brunswick, NJ

Skills: Legal Compliance \cdot Fraud and Abuse \cdot Healthcare Industry



Senior Counsel

Bristol-Myers Squibb

May 2005 - Apr 2010 · 5 yrs

Skills: Legal Compliance \cdot Fraud and Abuse \cdot Healthcare Industry



Senior Associate

McCarter & English, LLP

Sep 2002 - May 2005 · 2 yrs 9 mos

Skills: Healthcare Industry

Michael Yang





Michael Yang **②** · 3rd Biotech Board Director and Advisor

• San Diego State University-California State University

Del Mar, California, United States · Contact info 500+ connections

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Activity

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Great overview and insights Alyssa!

Michael Yang commented on a post • 1w

Congrats Vahid! 🏂

Michael Yang commented on a post • 1w

Congrats Cheryl! 🏂

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Experience

Biotech Board Director and Advisor

Self-employed

Nov 2022 - Present · 2 yrs 3 mos San Diego, California, United States

Biopharmaceutical executive with extensive commercial and general management expertise delivering growth across multiple therape ...see more



President and Chief Executive Officer

 ${\sf ViaCyte}\cdot {\sf Full-time}$

Feb 2021 - Oct 2022 · 1 yr 9 mos San Diego, California, United States

ViaCyte is a regenerative medicine company focused on the discovery, development, and commercialization of novel cell replacement to ...see more





More (-



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Experience

Biotech Board Director and Advisor

Self-employed

Nov 2022 - Present · 2 yrs 3 mos San Diego, California, United States

Biopharmaceutical executive with extensive commercial and general management expertise delivering growth across multiple therapeutic categories, medical devices, lifecycle stages and regions. Over 30 years of experience in roles that range from CEO of a small, private, clinical stage company to President of large enterprises with direct responsibility for \$8B revenues.

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Currently focused on advising executive teams, investors, and boards to build great companies in life sciences. Core competencies cluster around strategy, operational execution, and leadership. Key highlights include:

- Built high functioning, global cross-functional teams including R&D, tech ops, clinical, regulatory, quality, legal, finance and customer facing teams to deliver on key milestones.
- Differentiating flagship brands in competitive markets by translating market insights to drive growth. Built innovative go-to-market business models and tactical platforms to optimize product launches.
- Create compelling company mission statements and vision to align internal and external stakeholders. Strong record of attracting, developing and retention of talent with a keen focus on diversity.
- Proactive board engagement to shape strategic decisions and capital formation activities. Track record of success in transforming stagnant businesses to accelerate revenue.



President and Chief Executive Officer

 ${\sf ViaCyte}\cdot {\sf Full-time}$

Feb 2021 - Oct 2022 \cdot 1 yr 9 mos San Diego, California, United States

ViaCyte is a regenerative medicine company focused on the discovery, development, and commercialization of novel cell replacement therapies to treat human diseases. Transformed strategic plans and execution priorities to enhance operational discipline. Refreshed company vision and communication platforms to effectively raise capital and align external stakeholders. Implemented management processes to support R&D, clinical development, and regulatory strategies leading to efficient resource allocation. Invested in new product innovation. Active engagement with the board to shape strategic decisions and future financing activities, resulting in \$320 million merger with Vertex Pharmaceuticals.



EVP, Chief Commerical Officer

ACADIA Pharmaceuticals Inc. Mar 2017 - Feb 2021 · 4 yrs San Diego

Acadia is focused on delivering innovative therapies to address major unmet needs in neuroscience. Transformed the commercial capabilities and strategies to accelerate the launch trajectory of NUPLAZID. Launched an integrated DTC campaign, executed an expansion of the Long-Term Care business unit, and optimized the patient access service model leading to +65% year over year revenue growth. Successfully led the organization through challenging media and regulatory events by building a crossfunctional response team that executed key market-shaping tactics to restore stakeholder confidence and brand stability.

President, Immunology

Janssen Pharmaceuticals Oct 2013 - Mar 2017 \cdot 3 yrs 6 mos U.S.

Janssen Immunology is a leading biotech company dedicated to finding therapies for serious autoimmune and inflammatory diseases. Successfully led multi-billion-dollar business unit though unprecedented market challenges and increased complexity. Implemented new strategic platforms and commercial innovation models for growth. Revised the talent agenda to refresh leadership to revitalize sense of urgency fueling new product launches and competitive resilience. Negotiated with payers to expand access and implemented novel contracting strategies. Core metrics such as new patient starts and brand profitability consistently exceeded plan leading to year over year growth exceeding \$1B.

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President, CNS

Janssen, Pharmaceutical Companies of Johnson and Johnson May 2011 - Oct 2013 · 2 yrs 6 mos New Jersey

Janssen CNS focused on therapies that help people with mental illness. Led the expansion of the novel market access unit "Janssen Connect" to support Long Acting Injectables (LAI) growth. Leveraged insight-based marketing strategies to drive 60% year over year growth for LAIs. Developed launch readiness plans for disease modifying Alzheimer's MAB. Rejuvenated organizational culture leading to record levels of engagement and employee retention.

WW General Manager

Veridex LLC, Johnson and Johnson Jan 2009 - May 2011 · 2 yrs 5 mos Raritan New Jersey

Veridex is the leading diagnostic company focused on Circulating Tumor Cells.Rebuilt organizational effectiveness and competency models to attract top talent. Launched novel business-to-business unit as new source of revenue. Secured investment for next generation diagnostic device from Mass General. Realigned product portfolio, shutting down unprofitable platforms and out-licensing non-core technologies. Created reimbursement strategies and tactics to reverse negative access policies. Delivered revenue increase of 36% year over year.

WW General Manager

Therakos Inc, Johnson and Johnson May 2008 - May 2011 · 3 yrs 1 mo Raritan New Jersey

Overhauled organizational strategies and investments to accelerate organizational growth.

Enhanced focus on global operations and launched a new platform. Led company through reorganization and relocation. Significantly improved quality and regulatory processes in response to numerous manufacturing issues. Drove revenue from \$50MM to \$125MM resulting in 32% CAGR.



Vice President of Sales and Marketing, Oncology

Ortho Biotech

Sep 2001 - May 2008 \cdot 6 yrs 9 mos Bridgwater, New Jersey

Built strategic plans and executed launches of oncology products and services. Attracted and developed talent to build organizational capabilities. Exceeded the business plan of \$1.5B by delivering a "return to growth" of 8% and regaining market share leadership. Developed competitive strategies and drove operational execution leading to 21% incremental growth.



Sales and Marketing Director

Ortho-McNeil Pharmaceutical · Full-time Sep 1997 - Sep 2001 · 4 yrs 1 mo Raritan, New Jersey, United States PageID: 64115

Product Director for Levaquin, launched new indications, put ups and campaigns to drive growth. Previously served as Regional Business Director recognized as the national leader in hospital penetration during launch of a novel PDGF biologic.

 $\textbf{Skills:} \ \mathsf{Sales} \ \mathsf{Management} \cdot \mathsf{Marketing} \ \mathsf{Strategy}$



Sales and Sales Management

Pfizer · Full-time Jan 1984 - Sep 1997 · 13 yrs 9 mos

Award winning sales representative and manager. Consistently promoted to positions of increasing scope and reponsibilities. Developed competitive strategies and drove operational execution in order to achieve commercial objectives. Recognized for talent development and creative market solutions to address managed care access challenges.

Calvin Schmidt





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Johnson & Johnson



Vanderbilt University

New York City Metropolitan Area \cdot Contact info

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About

As leader of Worldwide Government Affairs & Policy at Johnson & Johnson, I manage a dedicated team committed to positively impacting health systems, providers and patients around the world. I believe that access to affordable, quality healthcare is the defining public policy issue.

I'm lucky to have had an unconventional career journey, gaining a variety of life lessons that I bring to my role at Johnson & Johnson, including that healthcare touches us all. It impacts how we live, work, and ultimately, our ability to thrive. It is a privilege to be part of the Johnson & Johnson team, working to innovate and deliver healthcare solutions.



Post

As I reflect on 2024, one thing is clear: I couldn't have made it..



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#BreastCancerAwarenessMonth is a yearly reminder that the best time to get screened is always NOW. From early detection tools to the latest technological advancements in #CancerCare, we are changing the landscape for patients and their families.

Each new breakthrough brings hope for those diagnosed, their caregivers, and loved ones. I've...

€&♥ 65 · 1 comment

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Calvin W. Schmidt

Global Citizen | Health Policy Advocate | Leadin.



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Experience

Johnson & Johnson

19 yrs 10 mos

Senior Vice President and Worldwide Leader, Government Affairs & Policy (WWGA&P)

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Full-time

Oct 2018 - Present · 6 yrs 4 mos

New Brunswick, New Jersey, United States

Global Commercial Strategy Leader, Janssen Pharmaceutical Companies of Johnson & Johnson

Jan 2017 - Oct 2018 · 1 yr 10 mos

President, Janssen Pharmaceuticals, Inc. - Internal Medicine

Aug 2013 - Mar 2017 · 3 yrs 8 mos

World Wide VP, Human Resources - J&J Group of Consumer Companies, IT and The Law Department

Oct 2011 - Aug 2013 · 1 yr 11 mos

President, Wellness & Prevention Inc. (Johnson & Johnson Company)

Oct 2008 - Oct 2011 · 3 yrs 1 mo

President, Johnson & Johnson - Merck Joint Venture

Aug 2007 - Oct 2008 · 1 yr 3 mos

WW VP Marketing Sales, McNeil Nutritionals

Apr 2005 - Sep 2008 · 3 yrs 6 mos



General Manager, South East Asia (Pet Care, Confectionary, Food **Businesses**)

Mars

Mar 1998 - Mar 2005 · 7 yrs 1 mo Based in Thailand and Malaysia



Roles of Increasing Responsibility (Engineering, R&D, Product Development, Commercial, Supply Chain)

Mars

1990 - 1998 · 8 yrs

USA

John Wilson



John Wilson 🗹 · 3rd

Chief Executive Officer Data Shelter, LLC

• Data Shelter, LLC



• Rutgers, The State University of New Jersey-New Brunswick

Fort Pierce, Florida, United States \cdot Contact info

500+ connections

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About

Specialties: Building commercial teams, institutional markets

Activity

1,622 followers

John hasn't posted yet

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Experience

Data Shelter, LLC

Full-time \cdot 7 yrs 11 mos

Chief Executive Officer

Jul 2018 - Present · 6 yrs 7 mos

Ft. Pierce FL USA

Responsible for setting and managing the strategic priorities of the company, leading the Executive Team, and driving the organization to...

Vice President Marketing

Mar 2017 - Jun 2018 · 1 yr 4 mos

Ft. Pierce, FL USA

Responsible for go-to-market strategy development of ultra-high security, Tier IV design certified data center solutions.

Worldwide Vice President, Insulin Delivery

J&J Diabetes Solutions at Johnson & Johnson

Mar 2015 - Feb 2017 · 2 yrs

Chesterbrook, Pa.



John Wilson

Chief Executive Officer Data Shelter, LLC





Message

Experience

Data Shelter, LLC

Full-time \cdot 7 yrs 11 mos

Chief Executive Officer

Jul 2018 - Present · 6 yrs 7 mos

Ft. Pierce FL USA

Responsible for setting and managing the strategic priorities of the company, leading the Executive Team, and driving the organization to realize its vision.

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Vice President Marketing

Mar 2017 - Jun 2018 · 1 yr 4 mos Ft. Pierce, FL USA

Responsible for go-to-market strategy development of ultra-high security, Tier IV design certified data center solutions.

Worldwide Vice President, Insulin Delivery

J&J Diabetes Solutions at Johnson & Johnson Mar 2015 - Feb 2017 · 2 yrs Chesterbrook, Pa.



Vice President Sales & Marketing Oncology Franchise

Janssen, Pharmaceutical Companies of Johnson and Johnson Apr 2011 - Feb 2015 · 3 yrs 11 mos Horsham, Pa

Vice President U.S. Sales

Cordis Corporation a Johnson & Johnson Company Oct 2009 - Apr 2011 · 1 yr 7 mos

(Adolor

VP, Sales & Marketing

Adolor Corporation Jan 2009 - Sep 2009 · 9 mos

Vice President, Sales & Marketing

Discovery Labs

Sep 2007 - Dec 2008 · 1 yr 4 mos

Launch of Biotech, Pulmonary Critical Care product

Group Product Director

2004 - 2007 · 3 yrs

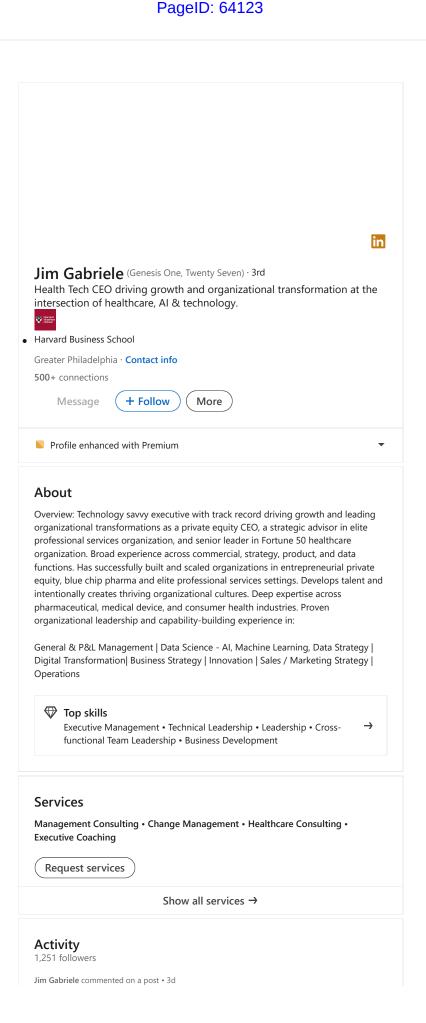
Field Sales Director

Ortho-McNeil Pharmaceuticals

2002 - 2004 · 2 yrs

Jim Gabriele





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Jim Gabriele (Genesis One, Twenty Seven) Health Tech CEO driving growth and organizati...

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Experience



CEO and Board Member

Aster Insights · Full-time Apr 2021 - Jun 2023 · 2 yrs 3 mos Tampa, Florida, United States

Transformed academic and clinical research organization into precision medicine, oncology digital product company serving leading drug discovery organizations within pharma.

- Hired world class Executive Leadership Team to build and scale technology, data science, data strategy, product management, sales, legal, finance and people functions.
- Partnered with 18 cancer centers across the US to drive molecular and clinical data acquisition strategy.
- Developed and launched pipeline of customer validated drug discovery products and solutions for academic researchers and life sciences companies.
- Created partnerships and collaborations w. leading Al companies to penetrate burgeoning Al led drug discovery market
- Developed and deployed a purpose driven culture and value system that enabled org to scale from 30 to 130 FTEs in 12 months, hiring scientific and technology talent in a very difficult labor market
- Dramatically improved data engineering, management and operations capabilities to drive improved efficiency and quality.
- Built best in class technology and data infrastructure to support growth and expansion of multi sided data platform and product organization.
- On target to drive revenue growth of $+\sim50\%$, GP improvement of +18pp EBITDA improvement of +42pp, and positive free cash flow over the strategic plan horizon.

Skills: Team Motivation · Value Based Management · Line Management · Venture Capital · Customer Satisfaction · Finance · P&L Operations · Strategic Leadership · Strategic Initiatives · Communication · Healthcare · PE · Interpersonal Skills · Commercial · Problem Solving · Financial Literacy · Healthcare Management · Technical Leadership · Research and Development (R&D) · Coaching · Management · Customer Engagement · Business · Growth Strategies · Therapeutics · EBITDA · Presentations · Change Management · Life Science Industry · P&L Management · Team Leadership · Operational Excellence · Corporate Strategy · Business Acumen · Board of Directors · Digital Transformation · Healthcare Industry · Early-Stage Startups · Healthcare Information Technology (HIT) · Systems Thinking · Teamwork · Setting Strategic Direction · Leadership



Senior Vice President, Global Head of Strategy and Analytics

Johnson & Johnson Medical Devices Companies \cdot Full-time 2017 - 2021 \cdot 4 yrs

Greater New York City Area

Reporting to the EVP / CEO of the \$27B global Medical Devices organization, leads strategy, pricing, data science and advanced analytics, & business insights. Accountabilities and accomplishments include:

- Leading strategic and financial transformation of the business, including identification of organic and inorganic options for growth, and mobilization of necessary organizational & financial resources required to achieve aspirations.
- Driving strategy and operating plan for JNJ Robotic and Digital Surgery SBU, including integration of 3 newly acquired artificial intelligence / machine learning digital solution assets with legacy medical device business. Strategy will enable JNJ to leapfrog currently entrenched robotics competitors by becoming the first data and software centric surgery platform in the industry.
- Providing tools, information and processes to set portfolio strategy and

make fact-based portrong and platforms.

Skills: Team Motivation · Value Based Management · Analytical Skills · Relationship Building · Customer Satisfaction · Strategic Leadership · Strategic Initiatives · Communication · Healthcare · Interpersonal Skills · Commercial · Problem Solving · Financial Literacy · Healthcare Management · Technical Leadership · Coaching · Management · Customer Engagement · Business · Growth Strategies · Therapeutics · Presentations · Medtech · Change Management · Life Science Industry · Team Leadership · Corporate Strategy · Business Acumen · Digital Transformation · Project Management · Medical Devices · Healthcare Industry · Systems Thinking · Teamwork · Setting Strategic Direction · Leadership



Vice President, Commercial Analytics & Operations at The Janssen Pharmaceutical Companies of Johnson

The Janssen Pharmaceutical Companies of Johnson & Johnson 2013 - 2017 \cdot 4 yrs

Management Board Member of \$20B organization leading strategy, insight, big data analytics, and sales & business operations for Pharmaceuticals division of Johnson and Johnson. 200+ organization supports 5 operating companies across small and large molecule therapeutic areas. Drove organizational transformation, including creation of new vision, mission and values, new organizational processes, and new organizational design. Organization has created tangible revenue and operating profit valued at over \$2B over the past 2 years, while simultaneously building an organization deemed to be best in class by leading external benchmarking organization.

Skills: Team Motivation · Value Based Management · Analytical Skills · Data Analytics · Relationship Building · Strategic Leadership · Strategic Initiatives · Communication · Healthcare · Interpersonal Skills · Commercial · Problem Solving · Financial Literacy · Healthcare Management · Technical Leadership · Coaching · Management · Business · Therapeutics · Presentations · Change Management · Life Science Industry · Team Leadership · Corporate Strategy · Organizational Design · Business Acumen · Project Management · Healthcare Industry · Teamwork · Setting Strategic Direction · Leadership



Operating Partner, HRC Category Strategy Service Line McKinsey & Company

2010 - 2013 · 3 yrs

Worked with senior executives at Fortune 50 medical device, pharmaceutical, consumer health & packaged goods companies to deliver transformational growth. In addition to client leadership responsibilities, led integration of Henry Rak Consulting Partners team and services into McKinsey operating model. Service line delivered significant net new capabilities and clients to McKinsey and was the best performing acquisition at the Firm during this period.

Skills: Team Motivation · Value Based Management · Line Management · Analytical Skills · Data Analytics · Relationship Building · Strategy Consulting · Finance · Strategic Leadership · Strategic Initiatives · Communication · Healthcare Consulting · Healthcare · Relationship Development · Problem Solving · Financial Literacy · Healthcare Management · Financial Analysis · Coaching · Proposal Development · Management · Business · Growth Strategies · Presentations · Business Development Consultancy · Medtech · Change Management · Life Science Industry · P&L Management · Team Leadership · Operational Excellence · Corporate Strategy · Organizational Design · Project Management · Healthcare Industry · Operating Models · Teamwork · Strategic Services · Setting Strategic Direction · Leadership



Managing Director & Chief Operating Officer

Henry Rak Consulting Partners $2007 - 2010 \cdot 3 \text{ yrs}$

Senior operating manager of boutique, analytics-based management consulting company. In addition to client leadership responsibilities, led growth, scaling and sale of the firm:

- Strengthened Culture and Climate: Created performance-based culture, including High Performing Team development process, and implementation of critical KPIs at all levels of the organization to improve performance.
- Improved Partner Team Leadership Model: Realigned roles, responsibilities,

decision making rights and chimum at 1276 cesses.

- Revamped Organizational Structure: Simplified organizational structure to support growth and scaling of core capabilities.
- Drove significant operating improvements, including cash flow + 45%, revenue growth + 64%, operating margin expansion +22pp over 3 years.
- Personally negotiated sale of firm to McKinsey, including deal terms, structure, earn out and post-acquisition integration strategy.

Skills: Team Motivation · Value Based Management · Line Management · Analytical Skills · Data Analytics · Relationship Building · Strategy Consulting · Finance · P&L Operations · Strategic Leadership · Strategic Initiatives · Communication · Healthcare Consulting · Relationship Development · Problem Solving · Financial Analysis · Coaching · Proposal Development · Management · Business · EBITDA · Presentations · Business Development Consultancy · Life Science Industry · P&L Management · Operational Excellence · Corporate Strategy · Organizational Design · Project Management · Healthcare Industry · Early-Stage Startups · Teamwork · Strategic Services · Setting Strategic Direction · Leadership

Founder and CEO

True North Innovation Partners

2007 - 2008 · 1 yr

Launched new 'Innovation Capital' startup designed to 1) Help inventors, entrepreneurs and orphan brands improve their consumer and marketplace value; 2) Provide access to capital to accelerate growth 3) Structure a financial transaction on behalf of the inventor or entrepreneur that appropriately captures the value of the invention or small business. Raised capital for investments, and structured a number of transactions on behalf of entrepreneurs.

 $\label{eq:Skills: Team Motivation \cdot Relationship Building \cdot Strategic Initiatives \cdot \\ Healthcare Consulting \cdot Relationship Development \cdot Business \cdot EBITDA \cdot \\ Presentations \cdot Life Science Industry \cdot P&L Management \cdot Project \\ Management \cdot Healthcare Industry \cdot Early-Stage Startups \cdot Strategic Services \\$

Johnson & Johnson Consumer Health

11 yrs 1 mo

Vice President, Global Strategic Marketing & Business Strategy

Sep 1996 - Sep 2007 · 11 yrs 1 mo

Management Board Member of \$4B Global Business Unit (GBU). Lead global team that chartered and launched Global Strategic Marketing function within GBU. Included creation of new vision and mission, leading edge capabilities, new organizational processes, new organizational design. In addition, lead complete reorganization of corporate market research department, transforming traditional market research group into Global Strategic Planning function.

Skills: Team Motivation \cdot Value Based Management \cdot Relationship Building \cdot Life Science Industry \cdot Healthcare Industry

Marketing Director

1997 - 2000 · 3 yrs

Fort Washington Pennsylvania

Line manager for leading US OTC heartburn remedies with \$300MM in annual retail sales and \$100MM in marketing expenditures. Lead strategy and implementation in all areas of the marketing mix, including:

- Advertising and Media: Managed TV, Print and Internet advertising process for brands with \$40MM in annual media spending.
- Public Relations: Lead creation and implementation of comprehensive PR program for new product launch that exceeded goal by 100 million impressions, and earned Launch of the Year honors at J&J Global Communications Summit meeting, May '01.
- Hispanic Marketing: Created and implemented first ever 'Surround Sound'
 Hispanic Marketing effort, including TV and Internet advertising, sampling,
 trade promotion and consumer promotion. Brand went from #3 to #1 share
 of Hispanic Market as a result of initiative.
- Relationship Marketing: Created and implemented offline/on-line relationship marketing campaign that reached 1MM of brand's heaviest users and reduced attrition of loyal users by 30%. Initiative earned Echo Award for Best Loyalty Campaign from the Direct Marketing Association of

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America.

- Trade & Consumer Promotions: Developed and facilitated execution of plans to market to consumers through retail trade partners, including consumer coupons, in store displays, sampling vehicles, etc. Developed and managed implementation of Pepcid retail sales strategies, including pricing, distribution and promotional activities.
- New Product Development: Lead launch of Pepcid line extension with \$100MM in year one sales, including creation and implementation of comprehensive advertising, PR, sales and marketing plan.

Leadership resulted in complete business turnaround, represented by a 4 year market share highs and double digit net income growth in 2001, 2002 and 2003.

Skills: Value Based Management \cdot Relationship Building \cdot Life Science Industry \cdot Healthcare Industry



Senior Consultant

Accenture

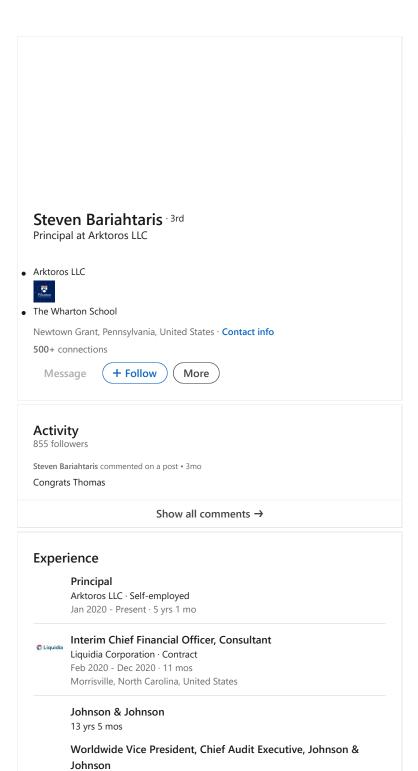
1991 - 1994 · 3 yrs Washington D.C. Metro Area

Senior Business Consultant. Worked directly with senior client management in America, Europe and Australia to identify strategic problems and implement comprehensive business solutions. Lived & worked in Australia while performing strategic consulting work for a Melbourne based natural gas utility. Only American national on engagement.

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Steven Bariahtaris





Full-time

Full-time

Dec 2016 - Jan 2020 · 3 yrs 2 mos

Apr 2011 - Dec 2016 · 5 yrs 9 mos

Titusville, New Jersey

Vice President, Finance, Janssen Americas

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Steven BariahtarisPrincipal at Arktoros LLC



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Message



Principal

Arktoros LLC · Self-employed Jan 2020 - Present · 5 yrs 1 mo

C Liquidia

Interim Chief Financial Officer, Consultant

Liquidia Corporation · Contract Feb 2020 - Dec 2020 · 11 mos Morrisville, North Carolina, United States

J&J

Johnson & Johnson

13 yrs 5 mos

Worldwide Vice President, Chief Audit Executive, Johnson & Johnson

Full-time

Dec 2016 - Jan 2020 · 3 yrs 2 mos

Vice President, Finance, Janssen Americas

Full-time

Apr 2011 - Dec 2016 \cdot 5 yrs 9 mos

Titusville, New Jersey

CFO & WW Vice President, Finance, Johnson & Johnson Diagnostics

May 2008 - Apr 2011 · 3 yrs

Vice President, Global Strategic Analytics

Sep 2006 - Apr 2008 · 1 yr 8 mos



Manufacturing and Finance

Procter & Gamble

1986 - 1997 · 11 yrs

Exhibit 23

Case 2:22-cv-02632-CCC-CLW

Selendy Gay PLLC 1290 Avenue of the Americas New York NY 10104 212.390.9000 Document 523-4 PageID: 64132

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Selendy|Gay

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Elizabeth H. Snow Associate 212.390.9330 esnow@selendygay.com

August 16, 2024

Via E-mail

Julia Long Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, NY 10036 jlong@pbwt.com

Re: Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC (Case No. 2:22-cv-02632-JKS-CLW)

Dear Julia,

We write to respond to J&J's August 7, 2024 Letter regarding CarePath's terms and conditions ("<u>T&Cs</u>") and to memorialize the parties meet and confer on August 15, 2024.

The Requests seek the production of documents regarding J&J's interpretation of the May-Not-Use Provision. Request No. 100 seeks documents sufficient to show when and how J&J came to believe that the May-Not-Use provision purportedly bars patients on accumulators, maximizers, or SaveOn-advised plans. Request No. 101 seeks all documents and communications before January 1, 2022 that reflect J&J's alleged understanding that the May-Not-Use Provision bars patients on accumulators, maximizers, or SaveOn-advised plans.

During the meet-and-confer, J&J refused to either identify a document that supported its purported understanding that SaveOn, accumulators, and maximizers violate the May-Not-Use Provision. J&J also refused to stipulate that it has no non-privileged documents from before January 1, 2022 (1) demonstrating when and how it came to believe that the May-Not-Use Provision bars patients on accumulators, maximizers, and SaveOn-advised plans; or (2) reflecting J&J's purported belief that the May-Not-Use Provision bars patients on accumulators, maximizers, and SaveOn-advised plans.

The parties' dispute centers around SaveOn's proposed search term to be run over the documents of Karen Lade, Lindsey Anderson, Spilios Asimakopoulos,

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Julia Long August 16, 2024

John Franz, Evelyn Hall, Brandon Jeffcoat, John King, Jeremy Mann, Katie Mazuk, Silviya McCool, Hattie McKelvey, Adrienne Minecci, Lauren Pennington, William Robinson III, Nidhi Saxena, Heather Schoenly, Carol Scholz and Jasmeet Singh from April 1, 2016 through November 7, 2023:1

• ((violat* OR bar* OR prohibit* OR breach* OR preclude* OR allow* OR permit*) w/50 (accumulat* OR maximiz*)) w/50 ("other offer*" OR coupon* OR discount* OR "savings card*" OR "free trial*")

J&J objects to the use of w/50 limiter on two grounds.²

First, J&J claims that Judge Wolfson has categorically forbade such a w/50 limiter. She has not. See July 25, 2024 Ltr. form H. Miles to I. Eppler at 1-2 & n. 1-2 (explaining that Judge Wolfson's statement was about the term in question—not applicable to all future search terms—and citing terms using a w/50 limiter that J&J has sought to be run following Judge Wolfson's statement).

Second, you asked us to point to a document that hits on the proposed search term that is relevant to the meaning of the May Not Use Provision. As we explained, SaveOn has been unable to identify any documents before 2022 supporting J&J's allegations. That is why SaveOn requests the broader search term—the narrower terms that J&J has already run have failed to capture the requested documents.³ This broader term is warranted because of the unquestionably high relevance of the documents sought, J&J's failure to produce even a single document discussing the meaning of the May Not Use Provision before 2022, its refusal to stipulate that it has no such documents, and its suggestion during the meet-and-confer that its witnesses would testify on this subject even in the absence of any documents. The importance of these documents outweighs J&J's minimal burden in reviewing 606 documents.

¹ SaveOn addresses the use of this term for the custodial files of Scott White and Blasine Penkowski under separate cover.

² During the meet and confer, you confirmed that J&J is not raising a relevance objection as to the term. You also did not indicate that just over 600 documents was, in and of itself, an unreasonable number of additional documents.

³ While you asked us during the meet-and-confer to identify a relevant *sentence* that the proposed search term might identify, the question is whether the term could identify a relevant *document*. It is easy to imagine a document that contains the May Not Use Provision (and hence the terms "other offer," "coupon," discount," "savings card," and "free trial") and within 50 words contains a sentence like "this conduct violates our terms and conditions."

Julia Long August 16, 2024

Unless by August 22, 2024, J&J informs SaveOn that it will run the above term as requested, SaveOn will understand the parties to be impasse.

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Best,

/s/ Elizabeth Snow

Elizabeth H. Snow Associate

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Exhibit 24 Confidential – Filed Under Seal